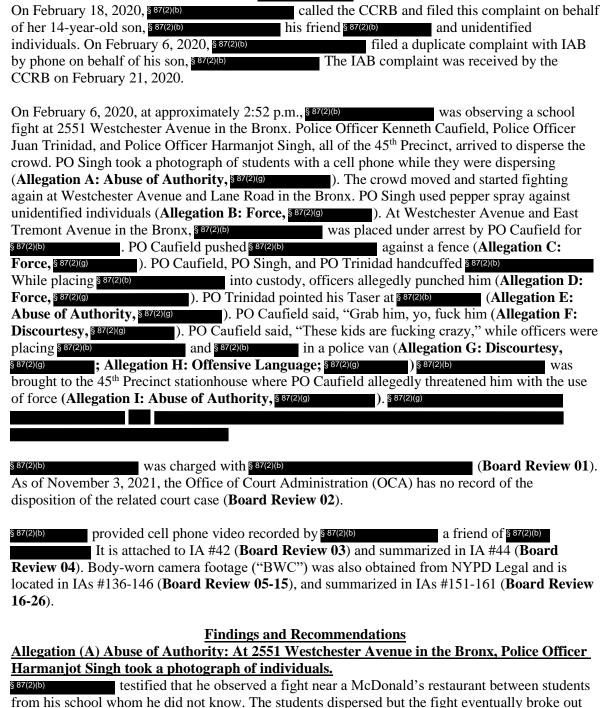
## CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	M	Force	<b>V</b>	Discourt.	□ U.S	
Rolando Vasquez		Squad #13	202001357	-	Abuse	<u></u>	O.L.	☑ Inju	
Rolando Vasquez		Squad #15	202001337		House	V	O.L.	V Inju	1 y
Incident Date(s)		Location of Incident:	-	Precinc		18 Mo. SOL		EO S	OL
Thursday, 02/06/2020 2:52 PM 02/06/2020 2:57 PM, Thursday 3:00 PM		2551 Westchester Ave; Ave/Lane Ave;Westch Ave; 45 PCT stationho	ester Ave/E Tremon		45	8	8/6/2021	3/23/2	022
Date/Time CV Reported		CV Reported At:	How CV Reported:		Date/Time	Rece	eived at CC	RB	
Tue, 02/18/2020 4:21 PM		CCRB	Phone	Tue, 02/18/2020 4:21 PM					
Complainant/Victim	Туре	Home Addre	ess						
Witness(es)		Home Addre	ess						
( 1011									
Subject Officer(s)	Shield	TaxID	Command						
1. POM Kenneth Caufield	21338	945569	045 PCT						
2. POM Anthony Jackson	04787	935046	045 PCT						
3. POM Harmanjot Singh	16466	959988	045 PCT						
4. POM Juan Trinidad	19418	960034	045 PCT						
5. Officers									
Officer(s)	Allegatio	on			Inve	estiga	tor Recor	nmendati	ion
A.POM Harmanjot Singh		t 2551 Westchester Ave Iarmanjot Singh took a p							
B.POM Harmanjot Singh		t Westchester Avenue ar fficer Harmanjot Singh u lls.							
C.POM Kenneth Caufield	the Bronz	t Westchester Avenue at x, Police Officer Kennet inst <sup>§ 87(2)(b)</sup>							
D. Officers		t Westchester Avenue at x, officers used physical			e in				
E.POM Juan Trinidad	the Bronz	t Westchester Avenue ax, Police Officer Juan Trait the use of force.							
F.POM Kenneth Caufield	Avenue i	esy: At Westchester Ave n the Bronx, Police Offi ously to an individual.			ooke				

Officer(s)	Allegation	Investigator Recommendation
G.POM Kenneth Caufield	Discourtesy: At Westchester Avenue and East Tremont Avenue in the Bronx, Police Officer Kenneth Caufield spoke discourteously to individuals.	
H.POM Kenneth Caufield	Off. Language: At Westchester Avenue and East Tremont Avenue in the Bronx, Police Officer Kenneth Caufield made remarks to individuals based upon the perceived mental disability of individuals.	
I.POM Kenneth Caufield	Abuse: At the 45th Precinct stationhouse in the Bronx, Police Officer Kenneth Caufield threatened with the use of force.	
§ 87(4-b), § 87(2)(g)		
§ 87(4-b), § 87(2)(g)		

## **Case Summary**



Event documents reveal a request by officers for additional units due to a group of 50 children fighting at the McDonald's (**Board Review 28**).

PO Singh's BWC footage shows him responding to the initial call regarding the fight outside of the McDonald's (**Board Review 05**). A large number of students are crowded outside the building. Due to the crowd, the video does not capture whether any students are still fighting when the

again at a different location (Board Review 27).

officers arrive. At the 00:40 minute-mark of the media player timestamp (visible at the bottom of the screen), PO Singh says, "Get out!" and makes his way through the huddle of students and the students begin to disperse. PO Singh turns around and additional officers and school safety agents have arrived as the students dispersed. At 01:46, PO Singh says, "It's that one right there." At 01:53, PO Singh takes a photograph of students with a cell phone. The video ends with PO Singh saying, "That's the kid that's causing..."

No known enforcement action was taken toward any of the students captured in PO Singh's BWC footage. As such, no police records were identified to assist in their identification and they were therefore unavailable to the investigation.

PO Singh's statement was largely consistent with his BWC footage (**Board Review 29**). He noted that the area has a long history of fighting among students at nearby Lehman High School and that there had been a recent stabbing in the area. Upon arriving at the location, there were 30-40 students surrounding a fight in which individuals were grabbing and punching each other. As PO Singh approached the crowd, the students dispersed. He said he took the photograph with the intention of showing it to personnel at Lehman High School to make them aware that the individuals in the photograph were involved in the fight. PO Singh was unsure looking at the BWC whether the photograph was taken on his personal phone or his department phone because they were the same model of phone and he could not show either of them to the CCRB in his interview because both had been replaced since the incident date.

A request to the NYPD for photographs taken from PO Singh's department cell phone related to this incident returned negative results because PO Singh had replaced his department cell phone, and thus any photographs taken on his prior phone were inaccessible (**Board Review 54**).

PO Trinidad provided consistent testimony regarding the frequent fights related to the Lehman High School students (**Board Review 30**). He did not see any students fighting upon arriving at the location.

NYPD Operating Procedure 20 states that officers may use their department issued cell phones to photograph or video record adversarial interactions or any enforcement encounters where reasonable suspicion exists that a person has committed, is committing, or may be involved in criminal activity (**Board Review 34**).

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Allegation (B) Force: At Westchester Avenue and Lane Road in the Bronx, Police Officer
Harmanjot Singh used pepper spray against individuals.
did not describe seeing PO Singh or any officer deploy his pepper spray but
mentioned that he smelled pepper spray during the encounter. § 87(2)(b) was not
injured by the pepper spray nor had it been sprayed at him.

A second video from PO Singh's BWC begins with him walking across the street towards a park (**Board Review 07**). At the 00:30 minute-mark of media player timestamp (visible at the bottom of the screen), PO Singh approaches a large crowd of students on the sidewalk. Two unidentified individuals are fighting each other and one individual wearing a grey hat throws a punch at the second individual. Server wearing a red jacket wraps his arms around one of the individuals who had been fighting. At 00:33, PO Singh tells PO Trinidad to watch out. PO Singh deploys his pepper spray for approximately three seconds toward the individual in the red jacket whose back is turned to PO Singh. At 00:37, the individuals who had been fighting flee and the pepper spray strikes the face of server wearing a yellow hoodie causing them to cover their face.

PO Singh testified that he walked toward the subway station and a group of students started fighting. PO Singh deployed his pepper spray toward the individuals fighting because he saw PO Trinidad attempt to physically separate a group of students that had resumed fighting and was concerned that PO Trinidad would be injured because he and PO Trinidad were severely outnumbered. PO Singh's intention was to end the fight rather than to arrest anyone.

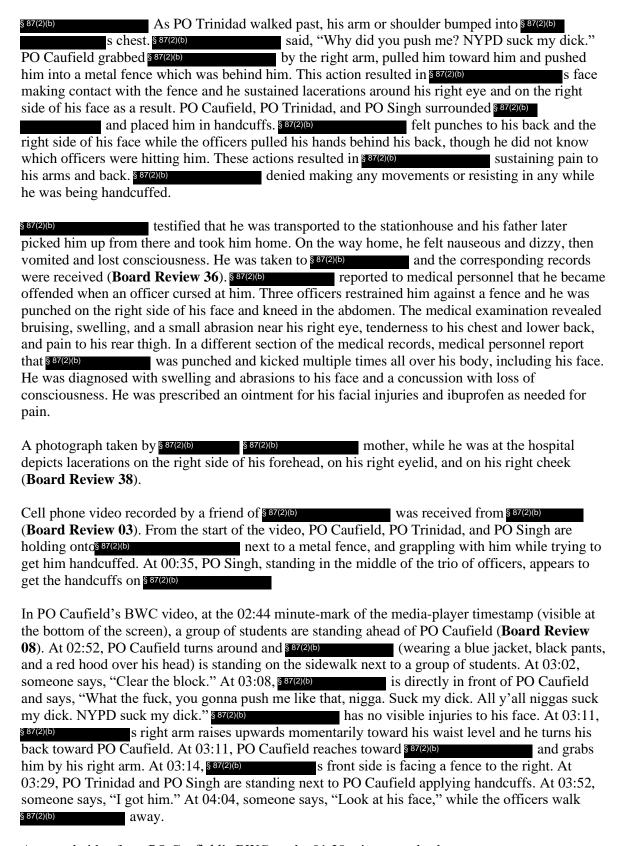
PO Trinidad testified that as he and PO Singh walked toward a subway station, a group of five or six students started pushing each other. PO Singh told PO Trinidad to step aside. PO Singh deployed his pepper spray and the students ran away.

Oleoresin Capsicum (O.C) Pepper Spray devices may be used to gain or maintain control of persons who are actively resisting arrest or lawful custody or exhibiting active aggression, or to prevent individuals from injuring themselves or others. For maximum effectiveness, officers should aim and discharge the pepper spray into a subject's eyes using two, one-second bursts. In an effort to gain voluntary compliance, members of the service should advise the offender that O.C. pepper spray will be used to handcuff/restrain him/her before applying such force, if feasible. NYPD Patrol Guide, Procedure 221-07 (Board Review 35).

§ 87(2)(g)	

Allegation (C) Force: At Westchester Avenue and East Tremont Avenue in the Bronx, Police
Officer Kenneth Caufield used physical force against \$87(2)(b)
Allegation (D) Force: At Westchester Avenue and East Tremont Avenue in the Bronx, officers used physical force against \$87(2)(b)

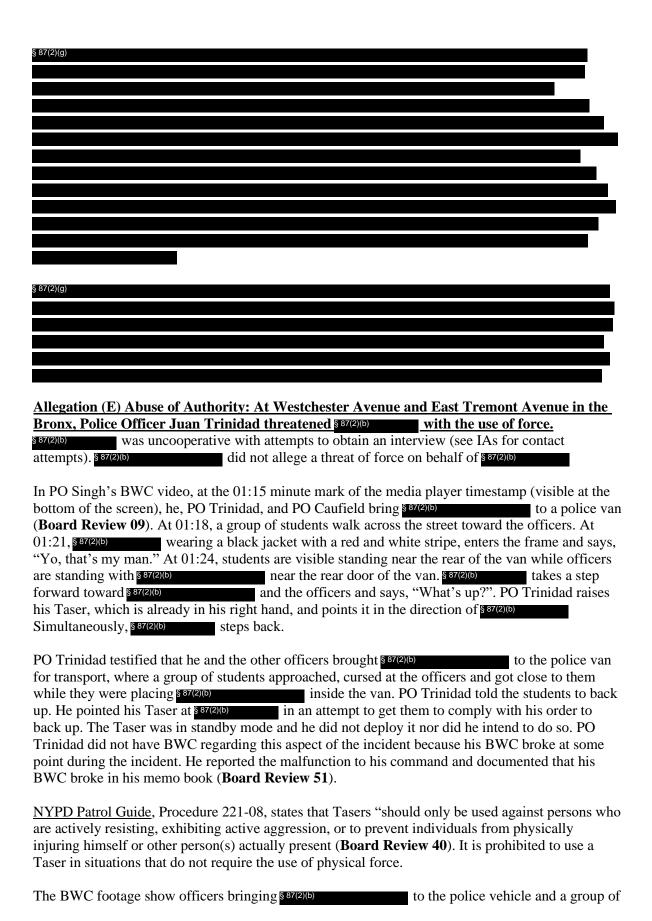
testified that he was standing on the sidewalk avoiding getting involved in any fights, and that he did not hear any officer tell him to leave at area. PO Trinidad walked past



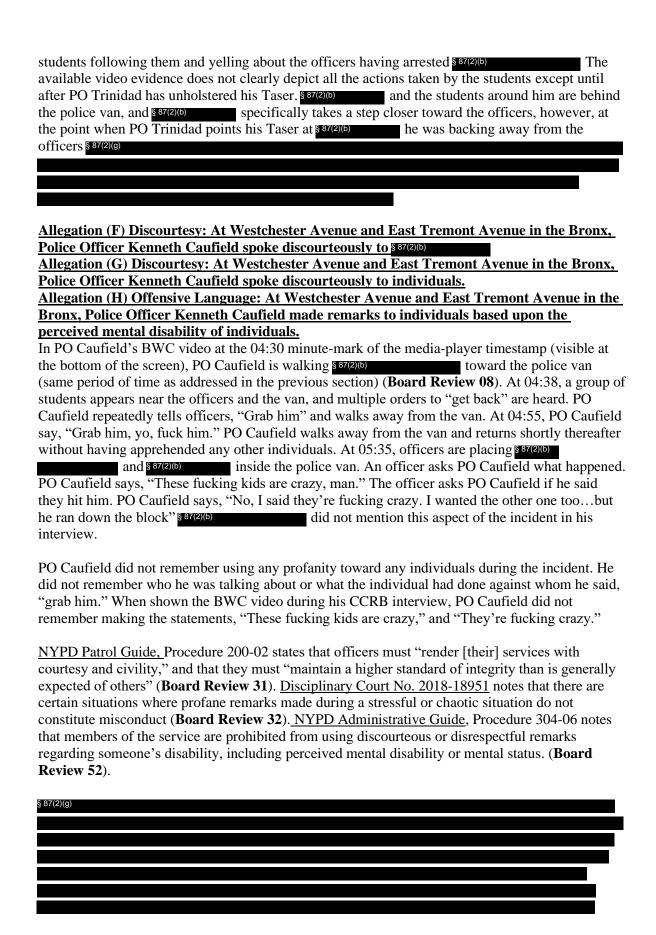
A second video from PO Caufield's BWC, at the 01:28 minute mark, shows standing in front of the desk at the stationhouse (**Board Review 14**). He has visible scratches on his

submitted by § 87(2)(b) In PO Singh's BWC video, at the 03:04 minute mark of the media player timestamp (visible at the bottom of the screen), PO Singh walks past \$37(2)(5) (Board Review 07). At 03:11, PO Singh' turns around. \$87(2)(b) says, "NYPD suck my dick." PO Caufield walks At 03:15, §87(2)(b) raises his right arm quickly and then turns and starts to walk away from the officers. PO Caufield grabs §87(2)(b) right arm with his right hand and reaches around with his left arm to § 87(2)(b) s left side. PO Caufield pulls (\$87(2)(5) and pushes him against the fence. The video ends and is resumed in a third BWC video clip from PO Singh (Board Review 09), which depicts PO Caufield, PO Trinidad, and PO Singh grappling with \$87(2)(b) hands to get him handcuffed, as \$87(2)(b) is bent forward, for approximately 34 seconds. PO Caufield testified that officers ordered § 87(2)(b) and other students to leave the area due to the fighting (Board Review 39). The persistent presence of the students and the recurring fights were causing impediments to pedestrian and vehicular traffic. PO Caufield was not had been engaged in the earlier fighting. §87(2)(b) gesture of lifting up his arms, turning around, and leaning towards PO Caufield, which PO Caufield identified as being visible at 03:13 in his BWC. He acknowledged pushing \$87(2)(b) into the fence and said he did so in order to place him in handcuffs and under arrest for refusing to leave the area and acting violent. §87(2)(b) swung his arms and elbows at officers while he was being handcuffed. PO Caufield denied punching \$87(2)(b) and denied witnessing any other officer strike him. PO Singh testified that \$37(2)(b) had his hands in fists as if he was going to fight and the officers and said, "NYPD, suck my dick" twice. PO Caufield then initiated the arrest of \$87(2)(b) for disorderly conduct. PO Caufield wrapped his arms around §87(2)(b) torso in a bearhug and pulled his body against the nearby fence, he believed in order to limit his range of motion. PO Singh then grabbed \$87(2)(b) s hands while PO Trinidad held his arms in order to get him handcuffed. \$87(2)(b) resisted by tensing his arms and pulling his arms away from the officers. After several seconds, \$87(2)(b) was handcuffed. PO Singh denied that he, PO Trinidad, or PO Caufield punched § 87(2)(b) PO Singh did not know if \$87(2)(b) had been involved in any of the other previous fights that had occurred. PO Trinidad testified that § 87(2)(b) said, "NYPD suck my dick." PO Caufield grabbed and pushed him against the fence. PO Trinidad did not know how \$87(2)(b) made contact with the fence. PO Trinidad did not know what §87(2)(b) was being charged with. PO Trinidad grabbed one of \$37(2)(b) arms while PO Singh and PO Caufield applied handcuffs. PO Trinidad denied that any officer punched \$87(2)(b) NYPD Patrol Guide, Procedure 221-01, states that officers must use only the reasonable force necessary to gain control or custody of a subject (Board Review 33).

forehead, right eyelid, and right cheek, which are consistent with the injuries depicted in the photo



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§ 87(2)(g)
§ 87(2)(g)
3 0 (4)(3)
Allegation (I) Abuse of Authority: At the 45th Precinct stationhouse, Police Officer Kenneth
Caufield threatened §87(2)(b) with the use of force.
testified that PO Caufield brought him to the juvenile room in the
stationhouse, where he was joined by \$87(2)(b) and PO Jackson, identified via investigation.  PO Caufield asked \$87(2)(b) how old he was. \$87(2)(b) said he was \$100.
PO Caufield said, "Oh, I'll see you for \$87(2) more years, that's good," referring to the fact that
\$87(2)(b) had \$87(2) more years of high school left. PO Caufield also told \$87(2)(b)
that he had "a gun, nightstick, Taser gun, and pepper spray, just for you not to win,"
which § 87(2)(b) also took to be a threat to harm him in the future. § 87(2)(b)
did not respond to these statements.
As noted above \$27/9/th was unaconcretive and a statement was not obtained from him
As noted above, §87(2)(b) was uncooperative and a statement was not obtained from him.
BWC video from PO Caufield and PO Jackson shows each of them escorting \$87(2)(b)
and \$87(2)(b) respectively, inside the stationhouse ( <b>Board Review 14, 15</b> ). The officers place
their BWCs on the desk and face them as they collect pedigree information for \$87(2)(6)
and 887(2)(5)  Both videos end with the officers leaving their BWCs at the desk
as they escort the two juveniles away from the desk (see OMNs).
PO Caufield and PO Jackson were consistent in describing that they brought §87(2)(b)
and \$87(2)(b) into the stationhouse and lodged them in the juvenile room ( <b>Board Review</b>
39,41). Neither officer recalled there being any conversation between PO Caufield and § 87(2)(b)
in the juvenile room. Both officers denied that PO Caufield made the alleged
statement or any threats toward § 87(2)(b)
\$ 87(2)(g)
5 - (-),(3)
§ 87(4-b), § 87(2)(g)
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## **Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which \$87(2)(b) and \$87(2)(b) have been a party (**Board Review 42-45**).
- PO Caufield has been a member of the NYPD for 13 years. He has been a subject in two additional complaints, totaling three allegations, none of which were substantiated.
- PO Trinidad has been a member of the NYPD for six years. This is the first complaint to which he has been a subject.
- PO Singh has been a member of the NYPD for six years. This is the first complaint to which he has been a subject.

## **Mediation, Civil and Criminal Histories**

- This case was not suitable for mediation.
- filed a Notice of Claim on behalf of \$87(2)(b) claiming false arrest; false imprisonment; excessive use of force; police cover-up; police conspiracy; negligence; violation of civil and constitutional rights; negligent testing, analyzing, hiring, training, re-training, promoting, monitoring, disciplining, and supervising of police officers; and malicious prosecution; and seeking \$3,000,000 as redress. There is no 50H hearing scheduled (**Board Review 46**).
- According to the OCA, § 87(2)(b) and § 87(2)(b) do not have any convictions in NYC (Board Review 47-50). Squad No.: 13 Investigator: Rolando Vasquez SI Rolando Vasquez 12/2/2021 Print Title & Name Signature Date Squad Leader: <u>Laura Kastner</u> 12/02/2021 IM Laura Kastner Print Title & Name Signature Date